

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

EMMANUEL TORRES,

Plaintiff,

Case No. 20-cv-9343

v.

WAKEFIELD & ASSOCIATES  
RURAL METRO AMBULANCE CORP

Defendant.

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**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant, Rural Metro Ambulance Corp, (“RMAC”) hereby removes the above captioned civil action from the Civil Court of the City of New York, County of Bronx, to the United States District Court for the Southern District of New York. The removal of this civil action is proper because:

1. On October 5, 2020, plaintiff, Emmanuel Torres, commenced a civil action by filing a Summons and Complaint in the Civil Court of the City of New York, County of Bronx, entitled and captioned as *Emmanuel Torres v. Wakefield & Associates et al.*, Index No. 11449-2020 (hereinafter the “State Court Action”). No further proceedings before the State Court have occurred.

2. In plaintiff’s Complaint, plaintiff alleges statutory causes of action against defendants. A true and correct copy of plaintiff’s Complaint is attached hereto as Exhibit A.

3. Specifically, plaintiff accuses defendants of debt collection and credit reporting misconduct and violations, which claims are derived from, founded upon and have as their basis violation of the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692, *et seq.* and the Fair Credit Reporting Act (“FCRA”) 15 U.S.C. § 1681 *et seq.* Plaintiff has also asserted state law claims.

4. RMAC received plaintiff’s Summons and Complaint on or about October 8, 2020.

5. This Court has jurisdiction over plaintiff’s claims pursuant to 28 U.S.C. §§ 1331 and 1441 in that the claims are founded on a claim or right arising under the laws of the United States. This Court has supplemental jurisdiction over plaintiff’s joined state law claims pursuant to 28 U.S. C. § 1441.

6. Defendant Wakefield & Associates consents to the filing of the Notice of Removal.

7. This Notice of Removal is timely, having been filed within thirty (30) days of the date defendants received plaintiff’s Summons and Complaint. *See* 28 U.S.C. § 1446.

8. Written notice of this Notice of Removal of this action is being immediately provided to the Supreme Court of the State of New York, County of Bronx. *See* Exhibit B, attached hereto.

9. Written notice of this Notice of Removal of this action is being caused to be served on the plaintiff.

WHEREFORE, defendant, Rural Metro Ambulance Corp, give notice that this action is removed from the Supreme Court of the State of New York, County of Bronx to the United States District Court for the Southern District of New York.

Dated: November 6, 2020

Respectfully Submitted,

/s/ Aaron R. Easley

Aaron R. Easley, Esq. (ae9922)

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Attorney for Defendant,

Rural Metro Ambulance Corp

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 6th day of November, 2020, a copy of the foregoing **Notice of Removal** was electronically filed with the Clerk of the Court, United States District Court for the Southern District of New York and served upon the following via U.S. Mail:

Emmanuel Torres  
120 Alcott Place #28E  
Bronx, NY 10475

Syntha Bayham  
Wakefield & Associates  
10800 E. Bethany Drive, Suite 450  
Aurora, Colorado 80014

/s/ Aaron R. Easley

Aaron R. Easley, Esq.